

DATE: December 5, 2002

TO: Senator Walter North, Chair, Senate Appropriations Subcommittee on Corrections
Representative Charles LaSata, Chair, House Appropriations Subcommittee on
Corrections

FROM: William S. Overton, Director

Section 401 of 2001 P.A. 41 requires the Department to submit three and five year prison population projections. As you know, in February of this year, former Director Bill Martin advised you that revised projections had not been completed as of the required reporting date. The Department needed to study unusually large increases in prisoner intake (especially among prisoners with short sentences), and a faster than expected decline in the Community Residential Programs (CRP) population, both of which had just begun to occur when the revised projections were due. Former Director Martin indicated that it was important to obtain more definitive information and data on possible sentencing changes and the reasons for the CRP decline before we could reliably update the projections. I am pleased to report that we have completed additional analyses, and our revised prison population projections are attached.

Michigan's prison population grew by 2,430 prisoners (5.1%) in the first 10 months of calendar year 2002, which is 83% higher than the growth that was forecast in the last projection release. There is still considerable uncertainty regarding some of the fundamentals underlying the factors driving increased growth, but I have decided to issue revised projections at this time because of their serious implications for prison bedspace and the State budget.

So far, we have been able to keep up with the higher than expected prison population growth by:

1. *Implementing measures designed to make our remaining vacant beds last as long as possible.* Every month that we can delay use of the remaining beds saves several million dollars in operating costs. Measures undertaken include both permanent and temporary actions:
 - ? We have implemented a Parole Violator Diversion Program, in which the Parole Board approves 6-month fixed date paroles up front for screened violator returns, contingent on completion of a new prison camp program. These cases would otherwise receive 12-month continuances from the Parole Board.

- ? In November, the Parole Board adjusted the parole dates for selected offenders who had already been approved for release at a later date.

These measures managed to bring a temporary stop to prison growth in November. In fact, the prison population fell by 298 prisoners in November, as indicated in Chart 1 of the attached projection report. However, that impact is not expected to continue because the increase in paroles was essentially borrowed from future months. These measures are merely short-term fixes that can only delay the inevitable.

2. *Accelerating our capacity expansion schedule.* We have opened several new housing units and other beds earlier than had been planned. This has placed significant pressure on an already extremely tight budget. However, as the ability of our temporary measures to hold back growth diminishes and the average population growth rate of nearly 250 per month resumes, we will rapidly approach the point where there will be no more additional prison beds to open. The major male prison beds remaining to be opened are a drop-in unit at the Macomb Correctional Facility and the two mothballed prisons in Ionia and Jackson. A planned drop-in unit for females has been approved. Beyond that, no other significant new prison beds are authorized or planned.

Unless new prison construction is considered to be a viable option, there will have to be statutory or administrative changes in State criminal justice policy to address either the number of offenders coming to prison, or the length of time they are incarcerated, or both. Even after fully occupying all currently vacant beds, the out-of-beds date is likely to occur sometime between June and October of 2003.

The next prison population projection release is slated for February, 2003. At that time, we will be able to gauge the effects of the short-term measures that we have implemented, as well as how the trends driving prison population growth are holding up. Until then, the attached projections are the best estimates we can make from year-to-date trends.

attachment

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PRISON POPULATION PROJECTIONS

Revision Date: December 2002

An extensive review of 2002 intake and release trends confirms many of the observations and concerns that were discussed in the projection document that was issued by the Department to the legislative leadership in February of this year. Many of the forces that drive prison population growth are outside the direct control of the Department of Corrections, such as court processing and sentencing practices, the availability of county jail space, and statutory changes such as legislative sentencing guidelines and the Truth in Sentencing law. These forces limit our ability to estimate future prison population growth, and in 2002 the population has grown much faster than was anticipated in the last projection model forecast. Through October, 2002, the institution and prison camp population grew by 2,430 (+5.1%) which is an average of 243 additional prisoners per month. The last forecast expected average monthly growth of 140 during this period.

Thorough examination of the year-to-date trends in the factors that drive prison population growth suggests that the higher rate of growth is likely to continue as long as the ongoing trends hold. Some of the factors driving accelerated growth include:

- ? *Increased court dispositions.* Based on preliminary data for 2001, there was a significant increase (3,000 plus) in the number of felony court dispositions that year, and early data for 2002 suggests additional increases. Precisely why dispositions have increased so much is unknown; but with more dispositions, a corresponding increase in the number of commitments to prison occurs even if the overall prison commitment rate stays the same.
- ? *Increased intake, especially among prisoners serving sentences of 2 years or less.* We are close to setting an all-time record for prison admissions in 2002, and further analysis shows that the increase is coming from many areas of the State. Prisoners with a short sentence now represent more than half of prison intake, and the increase is especially pronounced among probation violators, who are not covered by sentencing guidelines.
- ? *The Community Residential Programs (CRP) population is declining rapidly* due to its eventual elimination under the Truth in Sentencing law. The CRP population is now expected to fall to 950 by the end of 2002 (from a peak of about 3,500 in 1992), and to only 200 by the end of 2003, at which point its continued viability as a program will be questionable.
- ? *The parole approval rate has declined significantly* in the years since the statutory change to a more conservative citizens' Parole Board. The largest declines in the parole approval rate have been among prisoners serving sentences for sex crimes and other violent offenses.
- ? *The number of parole technical violator returns has increased dramatically* due to tougher supervision standards, and they are less likely to be re-paroled at their next parole hearing. Analysis shows that nearly 70% of violators who were returned to prison were

involved in new criminal behavior while on parole. When no new crimes were involved, almost 60% had absconded from supervision and there was an average of six violations of the parole conditions before return to prison.

In November, 2002, the Department implemented extraordinary measures which resulted in a temporary stop in growth. These measures included action by the Parole Board to adjust the parole dates for some offenders who had already been approved for release at a later date. As can be seen in Chart 1, these measures reduced the prison population by 298 inmates in November, but that impact is not expected to continue because the increase in paroles was essentially borrowed from future months.

Prison Population Projections

Chart 1 summarizes the revised prison population projections through 2006. Table 1 shows the specific revised projection figures on a quarterly basis. Projection accuracy, the trends driving prison population growth, and the effects of the Department's efforts to temporarily stop growth in November will be monitored closely, and a revised forecast through 2007 will be issued in February, 2003, as required by appropriations boilerplate.

Table 1

Projected Prison Population December, 2002				
<u>End of Month</u>	<u>Total Prisoner Population Projection</u>	<u>Subtract Estimated CRP</u>	<u>Projected Prison/Camp Population</u>	<u>Yearly Growth</u>
Dec-02	50,699	950	49,749	2,432
Mar-03	51,496	750	50,746	
Jun-03	52,226	550	51,676	
Sep-03	52,565	350	52,215	
Dec-03	53,183	200	52,983	3,234
Mar-04	53,836	200	53,636	
Jun-04	54,324	150	54,174	
Sep-04	54,576	100	54,476	
Dec-04	54,954	100	54,854	1,871
Mar-05	55,432	100	55,332	
Jun-05	55,800	50	55,750	
Sep-05	56,161	0	56,161	
Dec-05	56,425	0	56,425	1,571
Mar-06	56,938	0	56,938	
Jun-06	57,304	0	57,304	
Sep-06	57,538	0	57,538	
Dec-06	57,934	0	57,934	1,509
MDOC Research 12/04/02				

Chart 1

